Date June 29, 2005 I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for stents, P.O. Box 1450, Alexandria, VA 22313-1450 by "First Class Priority Mail" service.

Donald S. Prater
Name (Print)

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	HABECKER et al.)	Examiner:	Ngoclan Thi MA
Application No.:	10/770,895)		1740
Filed:	February 3, 2004)	Group Art Unit:	1742
Docket No.: 99024C	IPDIV2 (3600-234-03))	Confirmation No.:	1073

For: METHOD OF MAKING NIOBIUM AND OTHER METAL POWDERS

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

June 29, 2005

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO/SB/08. Pursuant to the current United States Patent and Trademark Office rules, no copies of U.S. Patents/Patent Application Publications are provided.

This Second Supplemental Information Disclosure Statement is being submitted after expiration of the three-month period following filing of the above-captioned application, but before an Office Action on the merits and before any Final Office Action or Notice of Allowance.

Should a first Office Action cross in the mail with the filing of this Second Supplemental Information Disclosure statement, then applicants respectfully petition under 37 C.F.R.§ 1.97(c) to consider the documents set forth in the Second Supplemental Information Disclosure Statement.

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) and

Second Supplemental Information Disclosure Statement

U.S. Patent Application No. 10/770,895

1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully

requested that the information be expressly considered during the prosecution of this application,

and that the documents cited in the attached Form PTO/SB/08 be made of record therein and appear

on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists

and does not constitute an admission that each or all of the listed documents are material or

constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in

this application and applicant determines that the cited documents do not constitute "prior art" under

United States law, applicant reserves the right to present to the office the relevant facts and law

regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of

the disclosed invention over the listed documents, should one or more of the documents be applied

against the claims of the present application.

If there are any fees due in connection with the filing of this response, please charge the fees

to Deposit Account No. 03-0060.

Respectfully submitted,

Atty. Docket No.: 99024CIPDIV2 (3600-234-03)

KILYK & BOWERSOX, P.L.L.C.

53 A East Lee Street

Warrenton, VA 20186

Tel.:

(540) 428-1701

Fax:

(540) 428-1720

Enclosures:

PTO/SB/08 w/ 4 documents

PTO/SB/08a (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE of a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO			· · · · · ·	Complete if Known			
Substitute for form 1449A/PTO				Application Number	10/770,895		
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INFORMATION DISCLOSURE				First Named Inventor	HABECKER et al.		
_	ATEMENT B			Art Unit	1742		
(use as many sheets as necessary)				Examiner Name	Ngoclan Thi Mai		
Sheet	1	of	2	Attorney Docket Number	99024CIPDIV2 (3600-234-03)		

				U.S. F	PATENT DO	CUMENTS			
Examiner Initials*	Cite No.1	Document Number Number - Kind Code ² (if known)	MM-DD-YYYY		Name of Patentee or Applicant of Cited Document		Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁸Applicant is to place a check mark here if English language Translation is attached. Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria VA 22313-1450. Alexandria, VA 22313-1450.

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Sheet	2	of	2	Attorney Docket Number	99024CIPDIV2 (3600-234-03)		

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city, and/or country where published.	T ²		
		Opposition filed in EP-B-0 946 323, printed 05/08/2004			
		FUTAKI et al., "Ultrafine Refractory Metal Particles Produced by Hybrid Plasma Process," J. JAPAN INST.			
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Examine	er	Date Considered	<u> </u>		
Signatur	e				

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